

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>v.</b>	)	<b>No. 3:12-00012-2</b>
	)	<b>JUDGE HAYNES</b>
<b>TOMMY L. WALTON, SR.</b>	)	

**JOINT MOTION TO CORRECT CLERICAL ERROR IN JUDGMENT**

Pursuant to Rule 36 of the Federal Rules of Criminal Procedure, defendant Tommy Walton Sr. and the government request that the Court correct a clerical error to reconcile the written Judgment (R. 203) with the sentence imposed in open court.

At sentencing, regarding the restitution of \$32,150, the Court waived any interest or penalties as long as Mr. Walton makes regular payments. (Attachment One, Sentencing Excerpt, at 9). However, the written Judgment incorrectly reflects that "the defendant must pay interest on any fine or restitution of more than \$2,500, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment." (R. 203, Judgment at 5).

Rule 36 allows the Court to correct a clerical error in a judgment arising from an oversight or omission. Both parties agree that, in light of the sentence announced in open Court, it would be appropriate to amend the Judgment by omitting the checked box on page 5 of the Judgment and instead indicating that interest and penalties are waived as long as Mr. Walton makes regular payments.

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*Mr. Walton*  
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